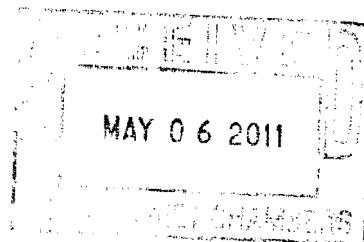


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Re: *In re NYSE Specialists Securities Litigation, Case No. 03-CV-8264 (RWS)*

May 5, 2011

Hon. Robert W. Sweet  
 United States District Court  
 Southern District of New York  
 Daniel Patrick Moynihan Courthouse  
 500 Pearl Street, Room 1920  
 New York, New York 10007-1312

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 Sweet USDS  
 5-6-11*

Dear Judge Sweet:

I write on behalf of the Specialist Defendants (other than the Van der Moolen defendants<sup>1</sup>), and with the consent of plaintiffs, regarding a proposed amendment to the current scheduling order in the above-referenced action. This would constitute the third amendment of the existing scheduling order.

As the Court may recall, the parties engaged the services of the Honorable Daniel Weinstein to mediate discussions about the potential resolution of this action. The parties held a productive mediation session in mid-February, but determined that further information regarding the disposition of the amounts remaining in the Fair Funds was needed from the SEC before they would be able to continue their discussions. With the Court's consent, in March the parties agreed to delay the discovery schedule by one month while awaiting an update from the SEC.

Although the SEC has not committed to a firm date by which it expects to have a response, Judge Weinstein was informed in April that a decision is "coming soon." In view of this update, the plaintiffs and Specialist Defendants agree that a three-month extension of

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<sup>1</sup> The Van der Moolen defendants have not expressed any disagreement with the positions of the other Specialist Defendants, but have previously advised them that given their current financial condition and the need for Van der Moolen Holdings, N.V. to seek possible approvals from the District Court in Amsterdam overseeing the bankruptcy of that entity for expenditures or commitments for expenditures here, they are not taking an active role in the shaping of scheduling or discovery orders.

Hon. Robert W. Sweet

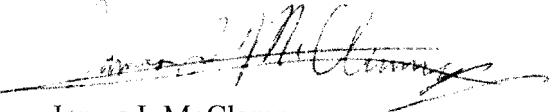
May 5, 2011

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existing discovery schedule is warranted to maintain the status quo while awaiting further developments from the SEC. A proposed amended scheduling order incorporating the agreed extension is enclosed for your review.

The parties are at your disposal should the Court have any questions. Thank you for your consideration.

Respectfully submitted,

  
James I. McClammy

cc: All Counsel of Record (by Email)

By Hand Delivery